DANIEL G. BOGDEN 1 United States Attorney District of Nevada 2 ALLISON L. HERR Special Assistant United States Attorney 3 333 Las Vegas Boulevard South **Suite 5000** 4 Las Vegas, Nevada 89101 702-388-6336 5 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA -oOo-7 UNITED STATES OF AMERICA, 8 Case No.: 2:15-mj-00572-CWH Plaintiff, 9 STIPULATION TO CONTINUE PRELIMINARY HEARING vs. 10 (First Request) JOHNNY MOORE, AKA JOHN MOORE, J 11 JR., AKA "STEVE", AND JAZZMIN DAILEY, AKA JAZZIEE, 12 Defendants. 13 14 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United 15 States Attorney; Allison L. Herr, Special Assistant United States Attorney, counsel for the 16 United States of America and Raquel Rene L. Valladares, Federal Public Defender, and Raquel 17 Lazo, Assistant Federal Public Defender, counsel for defendant JOHNNY MOORE, and 18 Benjamin Durham, counsel for defendant JAZZMIN DAILEY, that the preliminary hearing date 19 in the above-captioned matter, currently scheduled for July 21, 2015 at 4:00 pm, be vacated and 20 continued for a period of two weeks to a date and time to be set by this Honorable Court. 21 This Stipulation is entered into for the following reasons: 22 1. The parties wish to pursue pre-indictment negotiations, which if successful 23 would obviate the need for a preliminary hearing. 24

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1	2.	The additional time requeste	ed is not sought for the purposes of delay, but to
2	allow counsel sufficient time to pursue a speedy resolution.		
3	3.	The parties agree to the conti	nuance, and a denial of this request could result in a
4	miscarriage of justice.		
5	4.	The defendants are in custody	y but do not object to a short continuance.
6	5.	The additional time requeste	d by this Stipulation is excludable in computing the
7	time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,		
8	United States Code §3161(h)(7)(A), considering the factors under Title 18, United States Code		
9	§3161(h)(7)(I	B) and § 3161(h)(7)(B)(iv).	
10	6.	This is the <u>first</u> request to cor	ntinue the preliminary hearing.
11	DATE	ED this 16th day of July, 2015.	
12	DANIEL G. I United States		RENE L. VALLADARES Federal Public Defender
14 15 16		n Herr L. HERR ssistant United States Attorney	By: /s/ Raquel Lazo  RAQUEL LAZO  Assistant Federal Public Defender Attorney for Johnny Moore
17			By: /s/ Benjamin C. Durham
18 19			BENJAMIN C. DURHAM Attorney for Jazzmin Dailey
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# UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,  Plaintiff,  vs.	) Case No.: 2:15-mj-00572-CWH ) FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER )
JOHNNY MOORE, AKA JOHN MOORE, JR., AKA "STEVE", AND JAZZMIN DAILEY, AKA JAZZIEE,	) ) )
Defendant.	, ) )

#### **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

- 1. The parties wish to pursue pre-indictment negotiations, which if successful would obviate the need for a preliminary hearing.
- 2. The additional time requested is not sought for the purposes of delay, but to allow counsel sufficient time to pursue a speedy resolution.
- 3. The parties agree to the continuance, and a denial of this request could result in a miscarriage of justice.
  - 4. The defendants are in custody but do not object to a short continuance.
- 5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code §3161(h)(7)(A), considering the factors under Title 18, United States Code §3161(h)(7)(B) and § 3161(h)(7)(B)(iv).

6. This is the <u>first</u> request to continue the preliminary hearing.

**CONCLUSIONS OF LAW** 

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to prepare for preliminary hearing.

The continuance sought herein is allowed, with the defendant's consent pursuant to Federal Rules of Procedure 5.1(d).

<u>ORDER</u>

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 21, 2015 at the hour of 4:00 pm be vacated and continued to August 7, 2015 at the hour of 4:00 p.m.

THE HONORABL

ARL W. HOFFMAN

UNITED STATES MAGISTRATE JUDGE

DATED: July 17, 2015